AHEARN FIGHTS BEFORE COURT < TO SAVE HIS JOB

Him That Governor Has No Power of Removal.

Contends that Borough President Was Legally Ousted.

ion with the Secretary of State.

wis filed in duplicate. The sext step was for the Secretary of The County Clerk's duty would be to me it, record it and notify the ganization. be to call a meeting of the Aldermen of the Borough of Manhattan to elect Borough President.

restraining order forbid the Clerk to receive and record or to notity the Mayor, and forbid the Mayor from calling the Aldermen to-

Littleton's Contention.

wrongdoing.

Hamilton, Jay and Morris in the forative days of our governmental sysm wanted a privy council with power
spopint and remove all officers, said
t. Littleton, "but they did not get it,
d the tendency from that day to this
s been to distribute responsibility to
salities for local officers. It was
afted into the Constitution in 1846 in
e paragraph known as the home rule
of the tendency from that day to this
sheen to distribute responsibility to
salities for local officers. It was
afted into the Constitution in 1846 in
e paragraph known as the home rule
of the tendency from that day to this
sheen to distribute responsibility to
salities for local officers. It was
financiers as an asset to the carrying
forward of their plans.

3. That there is a decided prejudice
by the Bar Association against the
shell of the Bar Association bas been
the carrying
forward of their plans.

3. That there is a decided prejudice
by the Bar Association against the
shell of the

widing for the feature of the malfeasan incumbent for other than malfeasance or misconduct is unconstitutional."
Mr. Littleton continued. "His fellow
Mr. Littleton continued. "His fellow
judges said, in effect, that, as it was
not necessary to decide that question on
the Devery suit for salary they would
not pass upon it. It would be a monstrous ylolation of the doctrine of home
rule to make every municipal malicial
service to the Governor of the State,
placing in his hands the power to remove from the office to which the people had elected him an officer against
whom he is obliged to say no charge
of misconduct has been shown."

Argues Against Ahearn.

Assistant Corporation Counsel Steri-

Assistant Corporation Counsel Steriing opposed the motion. He began by saying that Mr. Littleton had ignored that easential clause of the constitution which provides that "the Legislature may declare the case in which an office shall be deemed vacant."

He contended that the law under which Gov. Hughes exercised the power of removal was enacted under that provision of the constitution. He might exercise the same power of removal against the Mayor or the Comptoiler on charges "after a full hearing."

"In this case," said Mr. Sterling, "there was a long, full public investigation of the affairs of the Borough President's office by the legally selected investigators on behalf of the Mayor. The report of those investigators was forwarded to the Governor with the-charges upon which the Governor himself gave the accused a full hearing extending over four weeks, on the charges of inefficiency, neglect, waste and corruption.

"The matter received the closest consideration from Gov. Hughes, with a full sense of the gravity and responsibility involved in his decision. When that devision and the judgment of the Governor removing President Ahearn had been filled in the office of the Secretary of State, in my judgment, the removal was complete and the office of Borough President has been vacant since that moment. The filling and recording by the County Clerk and the notineation to the Mayor were not necessary to complete the Governor's eact."

After two hours of argument Justic Greenbaum reserved decision.

INJUNCTION TO PRY

OFF THE SUNDAY LID.

Pilcer Brothess, proprietors of a roller stating rink at One Hundred and Twenty-fifth street and Seventh avenue, through Hubert R. Limburg, their attorney, obtained an injunction from Justice Trax. in the Supreme Court, to-day, restraining police interference with the rink on Sunday. The hearing was set down for next Wednesday. The Pilcer brothers, determined to be on the right side, did not open the rink last Sunday, but Sunday is their biggest day, and they want to know whether their rink is a "public entertainment," with or without missio, under Justice O'Gorman's sweeping "Blue Sunday" decision.

Justice Greenbaum heard argument and reserved decision on the injunction Pilcer Brothess, proprietors of a rol-

RIVAL TO BAR

Martin Littleton Contends for Former Judges Parker, Daly and Pryor Interested in the New Organization.

CALLS IT MONSTROUS. CRITICIZE METHODS.

Assistant Corporation Counsel Some of Them Say Bar Association Is Controlled by the Ryan Interests.

HAMILTON BANK IS READY TO PAY ALL, SAYS PARKER New York Central, Canadian Pacific, Pennsylvania and

Judge Asks Court to Deny Receivership Plea of the Attorney-General.

Former Justice Joseph N. Daly, Wil- porary Receiver Frank White, of Al-

union of lawyes.

Former Justice Joseph N. Daly, Williams B. Dowd, former Judge Roger A. Judge Parker urged Judge Betts et Judge Parker urged Judge Park mittee, and no character committee," court-house where the argument took

of James M. Gifford, who stated he had immediately upon its being authorized

Some of the Grievance.

Littleton's Contention.

I. Littleton contended that the Governor to remove a municipal proper and could delegate the power and could delegate the power and could delegate the power.

By content of the constitution and the country of the content of the content

for Thomas F. Ryan, and in the course of his remarks spoke of the wishes of building the country of his remarks spoke of the wishes of building banks, which had submitted the outside lawyers criticise.

The Bar Association has many notable members, among whom are Joseph H. Chonte, who prepared the fight of the Consolidated Gas Company against the constitutionality of the 80-cent gas law, and Secretary of State Elihu Root, former personal counsel to Mr. Ryan.

Were approved, and these had resumed the remained being the purpose of a being the first only oral plans, but down to Nov. 13 no tangible plan was submitted. Note these had submitted to Nov. 14 work each year to relieve the distress of the poor, and the proceeds of the which was not complied with, the State law, and Secretary of State Elihu Root, Attorney-General, who had applied for former personal counsel to Mr. Ryan.

The strongest sometimes

Not what you eat, but what

eat the least, but they eat

you digest, gives you strength.

Uneeda Biscuit

is the most nourishing and di-

gestible food made from flour.

Eat wisely—eat for strength

In moisture and

dust proof packages.

NATIONAL BISCUIT COMPANY

-Uneeda Biscuit

wisely.

BOMB FLUNG FROM TRAIN WRECKS SHOP.

Butcher Maggio Believed to Have Been Wrong Mark for Explosive.

ferred the same, Sugar preferred 1 1-4,

Reading Also Hit.

SUGAR WEAK IN

4 3-4; Westinghouse Electric 1 1-3 and Colorado & Southern and the first preferred and Consolidated Gas 1.

The market fell to the lowest of the day in the afternoon and closed from 1 to 4 points down. Sugar lost 4 points. Trading quickened in the final dealings, following a dull spell.

The total sales of stocks were 322 300

The total sales of stocks were 392,300 hares and of bonds \$1,705,000.

POSTPONES ITS BALL

You could drive a horse and wagon into Joseph Maggio's meat shop at No.

threats. The police believe that the bomb was thrown from a passing Long tent of the person who threw it was to blow up somebody other than Maggio. The meat shop is in the heart of a crowded Italian section, and the noise of the explosion aroused everybody for blocks around. Maggio, his wife and four children, who were in bed in their rooms in the rear of the store, were thrown to the floor. Joseph Carbone, of No. 28 Essex street, who stepped out of a building next door just as the bomb exploded, was painfully cut and bruised. No one else was injured.

COL. COLYAR, NOTED SOUTHERNER, DEAD AT 90.

desire to drive them into Joseph Mag-glo's shop. The whole front of the building is an entrance, because of a bomb which exploded late last night on the stoop at the door.

MASHVILLE, tenn, rec. is out. A. NASHVILLE, rec. is ou

Forced to Sell Our Entire holesale Stock of Men's and Youths'

Suits and Overcoats that retail from \$15 to \$30 will be sacrificed at \$10.80, \$9.80, \$7.80 and

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TAKE ELEVATOR TO THIRD FLOOR NO CONNECTION WITH STORE Remember, We Are Manufacturers

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Boys' Storm Bluchers with full bellows tongue, in Tan Shrewsbury Oil Grain Leather,

\$2.50

\$4.00

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